

Rachel Van Mullem, County Counsel (SBN: 209837)
Amber Holderness, Chief of Litigation (SBN: 252363)
Johannah L. Hartley, Deputy County Counsel (SBN: 253914)
COUNTY OF SANTA BARBARA
OFFICE OF COUNTY COUNSEL
105 East Anapamu Street, Suite 201
Santa Barbara, California 93101
Telephone: (805) 568-2950
Facsimile: (805) 568-2982

David Mehretu (SBN: 269398)
dmehretu@meyersnave.com
Peter E. Soskin (SBN: 280347)
psoskin@meyersnave.com
MEYERS NAVE
707 Wilshire Blvd., 24th Floor
Los Angeles, California 90017
Telephone: (213) 626-2906
Facsimile: (213) 626-0215

Attorneys for Defendant
COUNTY OF SANTA BARBARA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

MSB INVESTORS, LLC, a California
Limited Liability Company, MSBG
PARTNERS, LLC, a California Limited
Liability Company,

Plaintiffs,

v.

COUNTY OF SANTA BARBARA,
and DOES 1-50, inclusive,

Defendants.

Case No. 2:24-CV-07237

**COUNTY OF SANTA BARBARA'S
NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(a)**

Santa Barbara Superior Court Case No.:
24CV04081

State Action Filed: July 23, 2024

Trial Date: None Set

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE THAT Defendant County of Santa Barbara (the
3 “County”) hereby removes this action from the Superior Court of the State of
4 California, Santa Barbara County, to the United States District Court for the Central
5 District of California. Removal is proper and based upon, inter alia, the following
6 grounds:

7 **I. REMOVAL PROCEDURE**

8 1. On July 23, 2024, Plaintiffs MSB Investors, LLC and MSBG Partners,
9 LLC (“Plaintiffs”) commenced an action in the Superior Court of the State of
10 California, Santa Barbara County, entitled *MSB Investors, LLC and MSB Partners,*
11 *LLC v. County of Santa Barbara*, Case No. 24CV04081.

12 2. On July 30, 2024, Plaintiffs served the County with a copy of the
13 Summons and Complaint. The County received the Complaint for the first time on
14 July 30, 2024. A true and correct copy of the Complaint, all process, pleadings, and
15 orders served upon the County are attached hereto as **Exhibit A**.

16 3. No other parties have been named or served as additional defendants in
17 this action.

18 4. The County has not responded to the Complaint or otherwise appeared
19 in this action.

20 5. The County files this Notice of Removal within one year of the date the
21 action was originally filed, and within 30 days of receipt of the Complaint by the
22 County. Accordingly, removal is timely pursuant to 28 U.S.C. § 1446(b).

23 6. Promptly after filing this Notice of Removal, the County shall give
24 written notice of the removal to Plaintiffs (the only adverse parties), and will file a
25 copy of such notice with the Clerk of the Superior Court of the State of California,
26 Santa Barbara County, as provided in 28 U.S.C. § 1446(d).

27 7. This Notice of Removal is hereby filed in accordance with 28 U.S.C. §
28 1446 and signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

1 **II. JURISDICTION (FEDERAL QUESTION)**

2 8. This Court has original jurisdiction over this action pursuant to 28 U.S.C.
3 § 1331.

4 9. A district court has original jurisdiction over all civil actions “arising
5 under” the Constitution and laws of the United States. 28 U.S.C. § 1331.

6 10. In the Complaint, Plaintiffs allege, *inter alia*, violations of Plaintiffs’
7 rights under the U.S. Constitution. Specifically, Plaintiffs identify causes of action
8 pursuant to 42 U.S.C. § 1983, alleging violations of the Fourteenth and First
9 Amendments to the United States Constitution. Accordingly, Plaintiffs allege causes
10 of action that “arise under” federal law, making this a civil action over which this
11 Court has original jurisdiction under 28 U.S.C. § 1331. *See also Bank of Lake Tahoe*
12 *v. Bank of Am.*, 318 F.3d 914, 917 (9th Cir. 2003), as amended on denial of reh’g and
13 reh’g en banc (Mar. 14, 2003) (violations of rights under the U.S. Constitution are
14 construed as “allegations under the umbrella of § 1983”). This action may, therefore,
15 be removed to this Court pursuant to 28 U.S.C. § 1441(a)

16 **III. VENUE**

17 11. Removal to this specific District Court is proper, pursuant to 28 U.S.C.
18 § 1441(a), because the Complaint was filed in Santa Barbara County, California, a
19 place embraced by this District Court.

20
21 WHEREFORE, the County hereby gives notice that the above-described
22 action, pending against the County in the Superior Court of the State of California,
23 Santa Barbara County, is hereby removed to this court.

1 DATED: August 26, 2024

MEYERS NAVE

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By: /s/ David Mehretu

DAVID MEHRETU

PETER E. SOSKIN

Attorneys for Defendant

COUNTY OF SANTA BARBARA

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